IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5919 of 2007()

[CRIME NOT REGISTERED AGAINST THE PETITIONER]

: PETITIONERS

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1. N.RAMANKUTTY NAIR, AGED 59,
SHYLUM NO.30, ARADHANA NAGAR, ULIYAKOVIL P.O.,
KOLLAM-19.

2. A.ABDUL SALAM, AGED 61,
PROP. A.S.CASHEW, CASHEW EXPORTERS,
KILIKOLLOOR, KOLLAM-4.

BY ADV. SRI.T.M.CHANDRAN
SRI.V.A.SASIDHARAN
SRI.JOSEPH ALBIN NEDUNTHALLY

RESPONDENTS:

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1. DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POLICE,
KOLLAM.

3. DY. SUPERINTENDENT OF POLICE (ADMN.),
KOLLAM.

4. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5919 of 2007

Dated this the 1st day of October 2007

O R D E R

Application for anticipatory bail. The petitioners have received Annexure 1 notice from the police. They apprehend that when they appear before the learned Magistrate they may be arrested with vexatious intent. It is, in these circumstances, prayed that directions under Section 438 Cr.P.C may be issued in favour of the petitioners.

2. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor makes a categoric statement that no crime has been registered against the petitioners and that they shall not be arrested as apprehend by them. Inasmuch as no crime is registered and the police have no intention to register a crime or arrest the petitioner, no directions under Section 438 Cr.P.C need be issued in favour of the petitioners, it is submitted. The learned Public Prosecutor further submits that if on any later date the petitioners are required to be arrested by the police in connection with the subject matter of Annexure I notice shall be given to them and prior orders shall be taken from this court.

3. I take note of and record the submissions of the learned Public Prosecutor. The apprehension of the petitioners is in these circumstances found without any merit.

4. This petition is accordingly dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007